

Appl. No. 09/785,356
Atty. Docket No. 8425L
Amdt. dated October 21, 2003
Reply to Office Action of 09/22/2003
Customer No. 27752

REMARKS

Claims 1 and 9 are amended hereunder to recite the body of the appendage has a proximal end which remains in fixed relation to the mobile apparatus and a distal end remote therefrom which moves relative to the mobile apparatus. Since the body was previously recited to be elongate and extending from the apparatus, calling out the proximal and distal ends adds no new structure. Likewise, since the appendage was recited to laterally extend from the mobile apparatus, the proximal end of the appendage had to remain in fixed relation thereto. Thus, the only new matter added by the amendment is that the distal end (rather than some other portion) of the appendage body moves relative to the apparatus. In any case, the amendments hereunder were not earlier presented because it was only the instant office action that "clarified ... the above rejection" over Guha. Particularly, only the present office action stated the Examiner interprets Guha's horizontal rotation in place to be movement of an appendage relative to a mobile apparatus. The prior office action simply discussed pivotal rotation up and down. Thus, the amendment could not have been earlier made, as Applicant did not have the benefit of the later interpretation, as clarified by the instant office action.

Claims 1-2, 4 and 6-8 are rejected under 35 U.S.C. §102(b) as anticipated by Guha (U.S. Pat. No. 5,555,587). The Office Action (p. 4) states the Guha apparatus rotates horizontally "as clarified in the above rejection." Applicants respectfully note the rotating member of the Guha apparatus is not elongate as required by the instant claims. Instead, the rotating member of Guha as an aspect ratio of 1, as illustrated in Fig. 3b. However, to further distance the claims from Guha, the claims are amended hereunder, in response to the Examiner's clarification in the Office Action to recite that the distal end of the elongate member moves relative to the apparatus while the proximal end is fixed (the latter being inherent even prior to amendment).

Claims 1 and 5-8 are rejected under 35 U.S.C. §102(b)-103(a) over Nakamura (5,720,077). The Office Action acknowledges (p. 4) that Nakamura teaches a vacuum nozzle which is not flaccid. However, the Office Action further alleges it would have been obvious to make the Nakamura vacuum nozzle flaccid. The basis for making the modification is it would allow the nozzle to fit "into smaller crevices and cover greater surface area." Applicants respectfully traverse.

If the nozzle 37 were flaccid, the vacuum opening of the nozzle 37 would collapse in use and clog air flow. Nakamura relies (4:39-41) upon the vacuum nozzle 37 to provide air flow for the device. Collapsing the nozzle would be contrary to the intent of Nakamura to use the nozzle to gather dirt and debris. Furthermore, Nakamura specifically teaches away from a flaccid nozzle.

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If the Nakamura nozzle were flaccid, it could not provide suction when the longer side of the nozzle is held perpendicular to the running direction (5:67-6:1). The proposed modification would defeat this teaching of Nakamura. Furthermore, making the nozzle flaccid would also defeat Nakamura's intention that the vacuum nozzle provide definitive contact with the sidewall (5:55-57), front wall (6:1-2), and back wall (6:18-19) when the apparatus is moving. Making the nozzle flaccid would defeat Nakamura's intention of using the nozzle to correct running position in all three of the orientations noted above.

Furthermore, making the nozzle flaccid would defeat Nakamura's intention of using the nozzle to clean the tracks of the drive wheels 5 and steering wheels 8 (6:48-54, Fig. 12A). A flaccid nozzle would become tangled with the wheels, stopping the apparatus. Likewise, making the nozzle flaccid would defeat Nakamura's intention of having the nozzle project from the body (6:57-62, Fig. 12B). By defeating Nakamura's projection from the body, the modified appendage covers less surface area – not more. Likewise, Nakamura even teaches using the nozzle to work in narrow spaces (6:66-7:10, Fig. 13). Again, a flaccid nozzle would not be able to project as also required for this teaching of Nakamura.

Nakamura even teaches a specific "shape of vacuum nozzle 37" of working member 3" (6:34-37, Fig. 11). Again, a flaccid vacuum nozzle would be directly contrary to this Nakamura teaching.

In summary, the proposed modification renders the Nakamura teachings unsatisfactory for not just a single intended purpose, but for substantially all of the intended purposes. If the proposed modification does so, there is neither suggestion nor motivation to make the proposed modification. MPEP 2143.01.


Claims 9-11 and 13-15 are rejected under 35 U.S.C. §102(b) over Petner (5,915,437). The Office Action states (p. 5) the Petner mobile apparatus portion of the Petner mop is the handle and rim. However, Petner does not teach a body movable in the horizontal plane with respect to the apparatus. Accordingly, Petner does not teach or suggest the claimed invention.

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Applicants have responded to all matters raised by the Office Action. The Examiner is respectfully requested to reconsider and withdraw all rejections over Guha, Nakamura, and Petner and to allow the claims remaining in this case.

Respectfully submitted,

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